

REMARKS

This is intended as a full and complete response to the Final Office Action dated March 19, 2008, having a shortened statutory period for response extended one-month set to expire on July 19, 2008. Applicant submits herewith a Request for Continued Examination under 37 C.F.R. § 1.114. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-16 remain pending in the application and are shown above. Claims 1-16 are rejected. Applicant has amended claim 1 to include the limitations of claim 2, and has cancelled claim 2 without prejudice. Applicant has also amended claims 9-12 to depend on claim 1, rather than claim 2. Reconsideration of the rejected claims is requested for reasons presented below.

Claims Rejections Under 35 U.S.C. § 112

Claims 1-16 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, and under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner asserts that the language "essentially free" in claim 1 relates to subject matter not described in the specification as required by 35 U.S.C. § 112, first paragraph and is indefinite.

Applicant has amended claim 1 to replace the terms "essentially free" with the limitations of claim 2. Applicant has accordingly cancelled claim 2 without prejudice, and has amended claims 9-12 to depend on claim 1, rather than claim 2. Applicant submits that the amendment places the claims in condition for allowance, and respectfully requests that the rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dempsey, et al.* (U.S. Patent 5,389,696, hereinafter “Dempsey”) in view of *Parks, et al.* (U.S. Patent 5,500,176, hereinafter “Parks”) or *Mackey* (U.S. Patent 5,670,553, hereinafter “Mackey”, or U.S. Patent 5,993,528, from a divisional application of Mackey) and further in view of *Gillis, et al.* (U.S. Patent 5,916,939, hereinafter “Gillis”, or U.S. Patent 5,852,107, from a divisional application of Gillis). The Examiner asserts that Dempsey discloses the production of molded polyurethane productions using an internal mold release agent comprising fatty polyesters and a polysiloxane surfactant. The Examiner asserts that because the meaning of “essentially free” in claim 1 cannot be determined, surfactant L-5340 cannot be excluded from the claim scope. The Examiner acknowledges that Dempsey does not disclose a fatty acid, but asserts that release agents comprising both a fatty polyester and a fatty acid are taught by Parks and Mackey. The Examiner asserts that it would have been obvious to incorporate the teachings of Parks and Mackey into the composition of Dempsey to arrive at the claimed invention. The Examiner further acknowledges that none of the cited references specifically disclose the claimed surfactant and mold release agent. The Examiner asserts, however, that because the release agents of Dempsey, Parks, and Mackey are derived from long chain fatty compounds analogous to the mold release agent of Gillis, one of ordinary skill in the art would find it obvious to use the claimed composition to achieve the results disclosed in the instant application. The Examiner rebuts Applicant’s arguments for patentability by pointing out that L-5340 meets the claim language, and that the composition disclosed in Dempsey is so close to the claimed composition that one of ordinary skill would have reasonably expected the respective compositions to display the same properties, and that Applicant’s Example 6, while outside the claim scope, nonetheless yields good mold release properties.

Applicant has amended claim 1 to include the limitations of claim 2, has cancelled claim 2 without prejudice, and has amended claims 9-12 to depend on claim 1, rather than claim 2. Applicant submits that the limitations added to claim 1 exclude the exemplary surfactant L-5340 cited by the Examiner. Applicant also submits that the

claimed compositions do not display properties similar to prior art compositions as taught by Dempsey, Parks, Mackey, and Gillis. The Examiner argues that prior art compositions that are close to the claimed composition may be expected to achieve results similar to the claimed composition, and are therefore obvious. Applicant, however, relies on the disclosure of results achieved by the claimed compositions to demonstrate that those results are superior to anything that one of ordinary skill in the art might expect from studying prior art compositions. While Applicant's Example 6 may achieve good release performance in the Examiner's opinion, the composition of Example 6 does not achieve the unexpectedly superior results of the claimed compositions. Moreover, one of ordinary skill in the art seeking to achieve results similar to those disclosed by Dempsey, Parks, Mackey, and Gillis would have no motivation to deviate from those teachings, and there is no suggestion in any of the cited references that using the claimed compositions would yield improved release results.

Applicant thus submits that Dempsey, Parks, Mackey, and Gillis, alone or in combination, do not teach, show, suggest, or make obvious that the poly(dimethylsiloxane)-polyoxyethylene surfactant contributes at least about 0.006 moles of EO per 100g of the polymer derived from the reaction system, and the poly(dimethylsiloxane)-polyoxyethylene surfactant has the following formula: $(\text{CH}_3)_3\text{Si}-\text{O}-[(\text{CH}_3)_2\text{Si}-\text{O}]_n-[\text{CH}_3-\text{Si}(\text{R})-\text{O}]_m-\text{Si}(\text{CH}_3)_3$, wherein $\text{R} = -(\text{CH}_2)_3-\text{O}-[\text{EO}]_x-\text{R}'$, R' is H, C_1 to C_{20} alkyl, or C_6 to C_{25} aryl, x is a number from greater than 1 up to 24, m is a number from 1 to 25, and n is a number from 0 to 100, as recited by amended claim 1 and claims dependent thereon. Applicant respectfully requests the rejection be withdrawn.

Conclusion

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

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Date

Respectfully submitted,



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